

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/531,900	Confirmation No. :	5877
First Named Inventor	:	Francois Schutze		
Filed	:	June 23, 2006		
TC/A.U.	:	1614		
Examiner	:	Phyllis G. Spivack		
Docket No.	:	104006.B130120		
Customer No.	:	23911		
Title	:	Use of Tenatoprazole for the Treatment of Gastroesophageal Reflux Disease		

RESPONSE TO INTERVIEW SUMMARY

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Interview Summary mailed June 26, 2009, issued in connection with the above-referenced application, Applicants' representative thanks Examiners Spival and Marchel for the courtesy extended to Applicants' representative during the personal interview conducted on June 23, 2009, and submits the following comments:

During the interview, Examiners Spival and Marchel and the undersigned Applicants' representative discussed Claims 12-16 and 21 of the above-referenced application in light of prior art Barth et al., U.S. 2006/0024238. As indicated in the Interview Summary, it has been agreed that the rejection of record of the claims under 35 U.S.C. 112, second paragraph, will be withdrawn. Terminal Disclaimers, in response to the rejections of record on the ground of nonstatutory obviousness-type double patenting, will be provided in due course.

The rejection of record of the claims under 35 U.S.C. 102(e) will be withdrawn and a new rejection under 35 U.S.C. 103 will be set forth in a second nonfinal Office Action to be issued.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 104006.B130120).

Respectfully submitted,

July 27, 2009

E. Joseph Gess
E. Joseph Gess
Registration No. 28,510

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
EJG/lk